

GENERAL ORDINANCE AMENDING
CHAPTER 113: "FOOD AND FOOD
ESTABLISHMENTS," SECTION 113.25
"APPLICATION FEES." AND SECTION
113.26 "PERMIT FEES FOR
ESTABLISHMENTS." OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 113: "Food and Food
Establishments," Section 113.25 "Application Fees" and
Section 113.26 "Permit Fees" is hereby approved and
ratified as follows:

SECTION 113.25 APPLICATION FEES.

(A) Each new food establishment shall be required
to pay a fee for the review of plans, specifications and
the initial inspection of the food establishment. This
fee is in addition to the permit fee. The application
fee shall be based upon the square footage of the
building floor area or, in those instances where the food
establishment takes up only a portion of the total floor
area, the actual square footage of floor area involved
with the operation of the food establishment, as follows:

(1) Under 3,000 sq. ft.	\$ 90.00
(2) 3,001 to 30,000 sq. ft.	175.00
(3) 30,001 to 40,000 sq. ft.	260.00
(4) 40,001 to 60,000 sq. ft.	345.00
(5) 60,001 sq. ft. and over	435.00

(B) Each new permittee of a food establishment
which is in existence and has been operating on a
continual basis up to the time that the new permittee
takes over the ownership or possession of said food
establishment shall be required to pay a fee of \$60 for
the initial inspection of the food establishment. This
fee is in addition to the permit fees as set out herein.

SECTION 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment,
temporary food service establishments, temporary food
markets, and food processing establishment. Permit fees
for food service establishments, temporary food service
establishments, temporary food markets, food processing
establishment are as follows:

(1) 1 through 5 employees	\$130.00
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(2)	6 through 9 employees	175.00
(3)	10 through 40 employees	205.00
(4)	41 employees and over	230.00
(5)	Temporary food service establishments (for each 48 hours of operation)	20.00
(6)	Temporary food market (for each 48 hours of operation)	20.00
(7)	Temporary farmer's food market	30.00

(B) Permit fees for a food market. Permit fees for a food market are as follows:

Square Footage of Floor Area

(1)	Under 3,000 sq. ft.	\$105.00
(2)	3,000 to 30,000 sq. ft.	210.00
(3)	30,001 to 40,000 sq. ft.	305.00
(4)	40,001 to 60,000 sq. ft.	410.00
(5)	60,001 sq. ft. and over	515.00

(C) Permit fees for a mobile food service establishment and/or mobile food market. Permit fees for a mobile food service establishment and/or mobile food market with gross weight of:

(1)	Under 1,000 pounds	\$130.00
(2)	Over 1,000 pounds	200.00

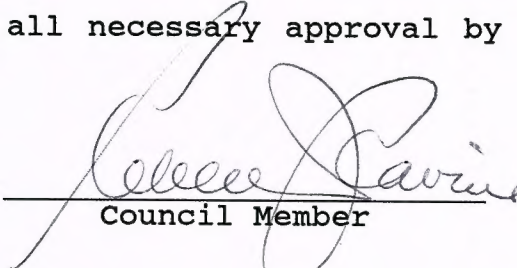
(D) Permit fees for a vending operator. Permit fees for a vending operator are as follows:

(1)	1 to 10 food or beverage vending machines, per machine	\$ 10.00
(2)	11 to 25 machines	130.00
(3)	26 to 50 machines	175.00
(4)	51 to 100 machines	260.00
(5)	101 to 200 machines	345.00
(6)	201 to 300 machines	435.00
(7)	301 or more machines	500.00

(E) Permit fee owned and/or operated by any school corporation. The application fee and/or permit fee for any food establishment which is owned and/or operated by any school corporation shall be \$20.00 regardless of any of the above and foregoing.

Two copies of said fees are available for inspection in
the office of the Clerk of the City of Fort Wayne and are
incorporated herein by reference.

SECTION 2. That this Ordinance shall be in
full force and effect beginning January 1, 1995, pending
its passage and any and all necessary approval by the
Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY ~~MC~~CAULAY, CITY ATTORNEY

Read the first time in full and on motion by G. Quinta, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 9-27-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-11-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
William E. Kelly
WILLIAM E. KELLY, CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-21-94 on the 11th day of October, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nancy E. Kelly
NANCY E. KELLY, CLERK

William E. Kelly
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of October, 1994, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nancy E. Kelly
NANCY E. KELLY, CLERK

Approved and signed by me this 14th day of October, 1994, at the hour of 5:00 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

§ 113.22 PERMIT NOT TRANSFERABLE.

No permit issued to any permittee under this chapter shall be transferrable.

(A) A new permittee taking over a continuously operating food establishment shall be entitled to a nonrenewable probationary permit.

(B) This probationary permit will be issued at the time the new permittee makes application for an annual food establishment permit and pays all application and permit fees.

(C) The probationary permit will be valid for a period of 30 days, which commences on the date of application, and shall not be subject to any extensions.

(D) The new permittee must obtain its annual permit within the 30 day probationary period or its permit will be revoked until the permittee complies with all annual permit requirements.

(E) The annual permit issued within the 30 day probationary period shall have as its anniversary date, the original date of application for the probationary permit.

(Ord. G-07-91, passed 2-28-91)

§ 113.23 LAPSE OF PERMIT.

Each permit issued hereunder shall automatically lapse and be void and of no further force or effect unless the permittee actually begins operations under its permit within a time period which is equal to 25% of the life of the permit issued.

(Ord. G-39-92, passed 8-12-92)

§ 113.24 DEPOSIT OF FEES.

Prior to the issuance of any permit, each permittee shall first tender to the Treasurer of Allen county, a fee or fees, which shall be deposited into the City-County Health Fund for each such operation in accordance with the classification as established in the following schedule of fees.

(Ord. G-07-91, passed 2-28-91; Am. Ord. G-39-92, passed 8-12-92)

§ 113.25 APPLICATION FEES.

(A) Each new food establishment shall be required to pay a fee for the review of plans, specifications and the initial inspection of the food establishment. This fee is in addition to the permit fee. The application fee shall be based upon the square footage of the building floor area or, in those instances where the food establishment takes up only a portion of the total floor area, the actual square footage of floor area involved with the operation of the food establishment, as follows:

(1) Under 3,000 sq. ft.	\$-75 90.
(2) 3,001 to 30,000 sq. ft.	150 175.
(3) 30,001 to 40,000 sq. ft.	225 260.
(4) 40,001 to 60,000 sq. ft.	300 345.
(5) 60,001 sq. ft. and over	375 435.

(B) Each new permittee of a food establishment which is in existence and has been operating on a continual basis up to the time that the new permittee takes over the ownership or possession of said food establishment shall be required to pay a fee of \$50 for the initial inspection of the food establishment. This fee is in addition to the permit fees as set out herein. (Ord. G-07-91, passed 2-28-91; Am. Ord. G-39-92, passed 8-12-92) 60

§ 113.26 PERMIT FEES FOR ESTABLISHMENTS.

(A) Permit fees for food service establishment, temporary food service establishments, temporary food markets, and food processing establishment. Permit fees for food service establishments, temporary food service establishments, temporary food markets, food processing establishment are as follows:

(1) 1 through 5 employees	\$110 130
(2) 6 through 9 employees	150 175
(3) 10 through 40 employees	175 205
(4) 41 employees and over	200 230
(5) Temporary food service establishments (for each 48 hours of operation)	15

Fort Wayne - Business Regulations

- (6) Temporary food market
(for each 48 hours of operation)

\$15 20.00 **FAILURE TO OBTAIN OR RENEW PERMIT.**

- (7) Temporary farmer's food market

25 30.00 Should any permittee fail to obtain the permit prior to the opening of the food establishment for business,

- (B) *Permit fees for a food market.* Permit fees for a food market are as follows:

Square Footage of Floor Area

- (1) Under 3,000 sq. ft.

\$105 105.00 Health Commissioner from exercising any other of his/her rights and/or duties regarding suspension, closure or revocation of the permit.

- (2) 3,000 to 30,000 sq. ft.

180 210.00 (Ord. G-07-91, passed 2-28-91)

- (3) 30,001 to 40,000 sq. ft.

265 305.00

- (4) 40,001 to 60,000 sq. ft.

355 410.00 **EXEMPTION.**

- (5) 60,001 sq. ft. and over

445 515.00 (A) The permit fee provisions of this chapter shall not apply to any fruit and vegetable stands maintained

- (C) *Permit fees for a mobile food service establishment and/or mobile food market.* Permit fees for a mobile food service establishment and/or mobile food market with gross weight of:

- (1) Under 1,000 pounds

\$110 130.00 (B) The permit fee provisions of this chapter shall not apply to any food establishments or vending operators which comply with any food establishments

- (2) Over 1,000 pounds

170 200.00 vending operators which comply with the terms and provisions of IC 16-1-20-26, unless they waive said

- (D) *Permit fees for a vending operator.* Permit fees for a vending operator are as follows:

- (1) 1 to 10 food or beverage vending machines, per machine

\$75 10.00 exemption and/or operate more than 30 days in a calendar year and provide food service to persons other than members, guests or students on a regular basis. Applicants for this exemption shall provide the Health Commission with a copy of its 501(c)(3) status.

- (2) 11 to 25 machines

112 50 130.00 (C) Food establishments which sell or offer for sale directly to the consumer only prepackaged

- (3) 26 to 50 machines

150 00 175.00 connections such as candy, chewing gum, nut meats, potato chips, pretzels, popcorn, coffee and soft drink

- (4) 51 to 100 machines

225 00 260.00 Beverages shall be exempt from the provisions of this chapter.

- (5) 101 to 200 machines

300 00 345.00

- (6) 201 to 300 machines

375 00 435.00 (D) Vending machines which dispense only prepackaged, pre-bottled, non-readily perishable food and beverages shall be exempt from the provisions of

- (7) 301 or more machines

450 00 500.00 chapter.

- (E) *Permit fee owned and/or operated by any school corporation.* The application fee and/or permit fee for any food establishment which is owned and/or operated by any school corporation shall be \$15- 20.00 regardless of any of the above and foregoing.
(Ord. G-07-91, passed 2-28-91; Am. Ord. G-39-92, passed 8-12-92)

(Am. Ord. G-39-92, passed 8-12-92; Am. Ord. G-07-91, passed 2-28-91)



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LAW DEPARTMENT/BOARD OF HEALTH

DATE: SEPTEMBER 26, 1994

SUBJECT: CITY FOOD ESTABLISHMENT ORDINANCE

The new fee schedules for application and permit fees for food service establishments in Fort Wayne, Allen County, Indiana, are proposed for the following reason. The Board of Health receives a yearly \$50,000 grant from the State of Indiana. In the past, this grant was sufficient to pay the salaries and benefits of two full-time food inspectors. The salaries and benefits of the two food inspectors have increased to \$62,000 while the amount of the Grant remains at \$50,000. The increased fees will allow the County to continue to fund both positions.

G-94-09-28

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE LAW DEPARTMENT/BOARD OF HEALTH

SYNOPSIS OF ORDINANCE Increases the fee schedules for application and permit fees for food service establishments in Fort Wayne, Allen County, Indiana.

EFFECT OF PASSAGE Fee schedules can be increased.

EFFECT OF NON-PASSAGE Fee schedules cannot be increased. Department would be required to operate at a deficit.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-94-09-26

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING CHAPTER 113: "FOOD
AND FOOD ESTABLISHMENTS, "SECTION 113.25 "APPLICATION FEES" AND SECTION
113.26 "PERMIT FEES FOR ESTABLISHMENTS" OF THE CITY OF FORT WAYNE CODE
OF ORDINANCES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine
D.J. Schmidt

Janet G. Bradbury

DATED: 10-11-94.

Sandra E. Kennedy
City Clerk